

U.S. Department of Justice

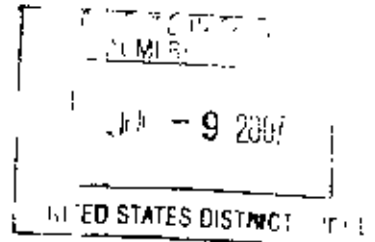
United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

July 9, 2007

BY HAND DELIVERY

Honorable Naomi Reice Buchwald
United States District Court Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2270
New York, New York 10007-1312



Re: C. Gregory Earls v. United States, 07 CV 5946 (NRB)

Dear Judge Buchwald:

The Government respectfully submits this letter, with the consent of opposing counsel, to request permission to file an over length brief in opposition to Mr. Earls' habeas petition. The draft brief is approximately 34 pages (in 12 point, Courier New font), and is primarily oversized because it contains a detailed discussion of the proof at trial and sentencing that the brief submitted by petitioner's counsel largely omits and which, in the Government's view, is essential to addressing numerous claims advanced in the petition.


The Government is sensitive to the Court's rules on oversize briefs and understands that the Court wants briefs to be as short as possible. Prior to submitting its brief, the Government worked diligently to pare it down, and succeeded in cutting several pages from the initial draft of the brief. The Government believes that cutting the brief further risks losing facts and arguments that we believe must be presented to the Court in support of its positions and that we believe will be helpful to the Court in resolving the issues.

If Your Honor requires any additional information, please do not hesitate to contact me.

Very truly yours,

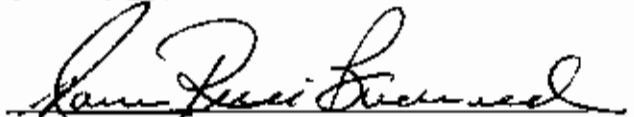
MICHAEL J. GARCIA
United States Attorney

By:


William J. Stellmach
Assistant United States Attorney
Telephone: (212) 637-2101

cc: Thomas C. Green, Esq. (by facsimile)

SO ORDERED.


HON. NAOMI REICE BUCHWALD
UNITED STATES DISTRICT COURT JUDGE
SOUTHERN DISTRICT OF NEW YORK

7/9/07